

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

The application of Eric Evans of St. Andrews Housing Group (**ANDREWS GLEN REZONE**) for property located at 4228 Factoria Boulevard Southeast. File No. 08-123031-LQ.

FISCAL IMPACT

None of Record.

STAFF CONTACT

Christopher Mathews, Hearing Examiner – 452-6935

POLICY CONSIDERATION

Whether the application complies with the Bellevue City Code and applicable decision criteria.

BACKGROUND

For background information, please review the attached Hearing Examiner's Summary.

EFFECTIVE DATE

The Ordinance concerning this application will become effective five days after its publication.

OPTIONS

1. Approve the application as recommended by the Examiner.
2. Approve the application with additions or modifications.
3. Deny the application.
4. Remand the matter.

HEARING EXAMINER'S RECOMMENDATION

Move to adopt the Hearing Examiner's Findings and Recommendation, and approve the Ordinance.

ATTACHMENTS

Hearing Examiner's Summary
Vicinity and Site Maps
Proposed Ordinance

AVAILABLE IN COUNCIL OFFICE

The Development Services Department (DSD) supporting file is available for review in the City Council Office.

SUMMARY

The City Council is considering the Hearing Examiner's Recommendation concerning the application of **St. Andrews Housing Group** to rezone a 3.501 acre of tract land at 4228 Factoria Boulevard SE from R-5 to R-30. The rezone is requested in order to increase the allowed residential density and to facilitate an affordable housing project. Rezoning to R-30 would allow a four-story 39,000 square foot residential building which would include 41 studio, one-bedroom and two bedroom dwelling units, one manager's unit and one level of underground parking.

On February 25, 2008, the Bellevue City Council approved a Comprehensive Plan Amendment (#07-117934-AC) to change the land use designation of the site from Single Family-High Density (SF-H) to Multifamily-High Density (MF-H), making the proposed rezone possible.

1. BACKGROUND

As mentioned above, a Comprehensive Plan Amendment was approved on February 25, 2008. A SEPA Determination of Nonsignificance (DNS) was made in connection with the Comprehensive Plan amendment. This DNS serves the rezone application as well.

The hearing before the Examiner was noticed by the Development Services Department (DSD) to be held on May 7, 2009 at 7:00 p.m.

2. APPLICATION BEFORE EXAMINER

The public hearing before the Examiner was held as noticed on May 7, 2009 at 7:00 p.m. in the Bellevue City Hall Council Chamber. Applicant Eric Evans and several witnesses attended and testified at the hearing in support of the application. No written comments were received. At the hearing, Mike Upston, Senior Planner, presented the City's Land Use Division Staff Report.

On May 14, 2009, the Hearing Examiner issued Findings of Fact, Conclusions of Law and a Recommendation that the application be approved with two conditions related to project plans and parking: The project proponent may request administrative review of a modification(s) to provide the assurance of consistency with the intent of the Rezone decision; and the applicant must provide a recorded copy (King County Records Office) of the Memorandum of Understanding included in the Parking Analysis to be provided prior to Design Review approval. The deadline for filing an appeal of the Examiner's Recommendation was May 28, 2009. No appeals were filed.

3. SITE CHARACTERISTICS

The proposed project is located at 4228 Factoria Boulevard SE, on the northeast corner of a 3.501 acre site that is currently developed with St. Margaret's Episcopal Church, a church-owned thrift store, a surface parking lot providing 149 spaces, and associated landscaping.

The property is bounded on the south by Newport Way and west by Factoria Boulevard. The surrounding zoning is as follows:

- **North:** R-20
- **South:** R-5
- **East:** R-20
- **West:** R-5 (across Factoria Boulevard is Newport High School)

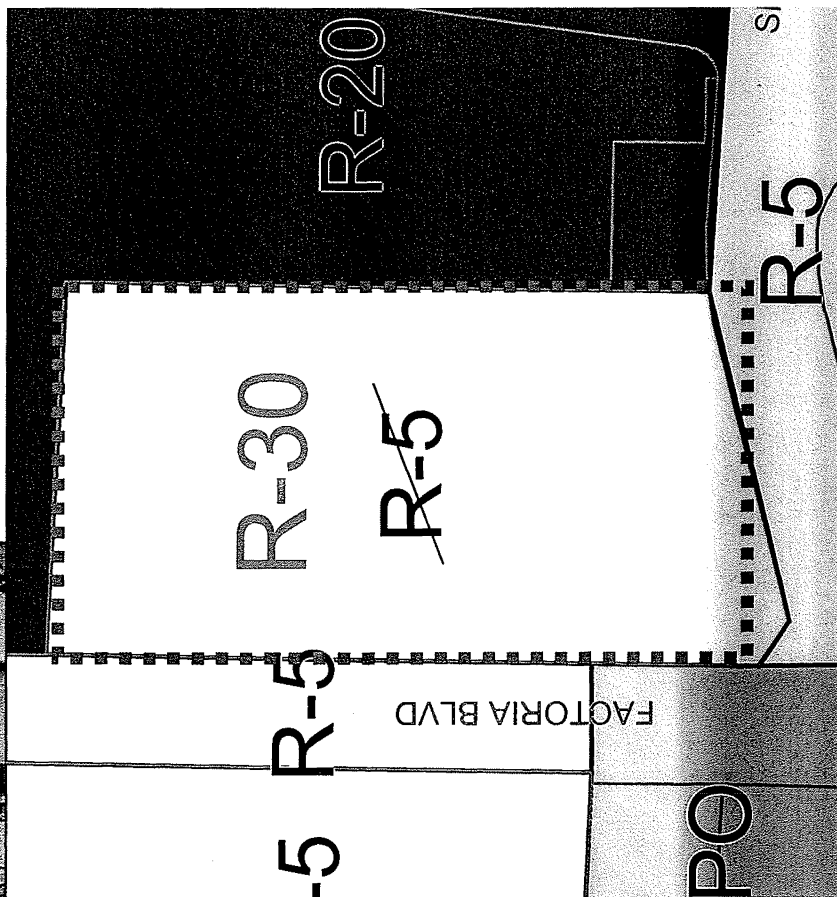
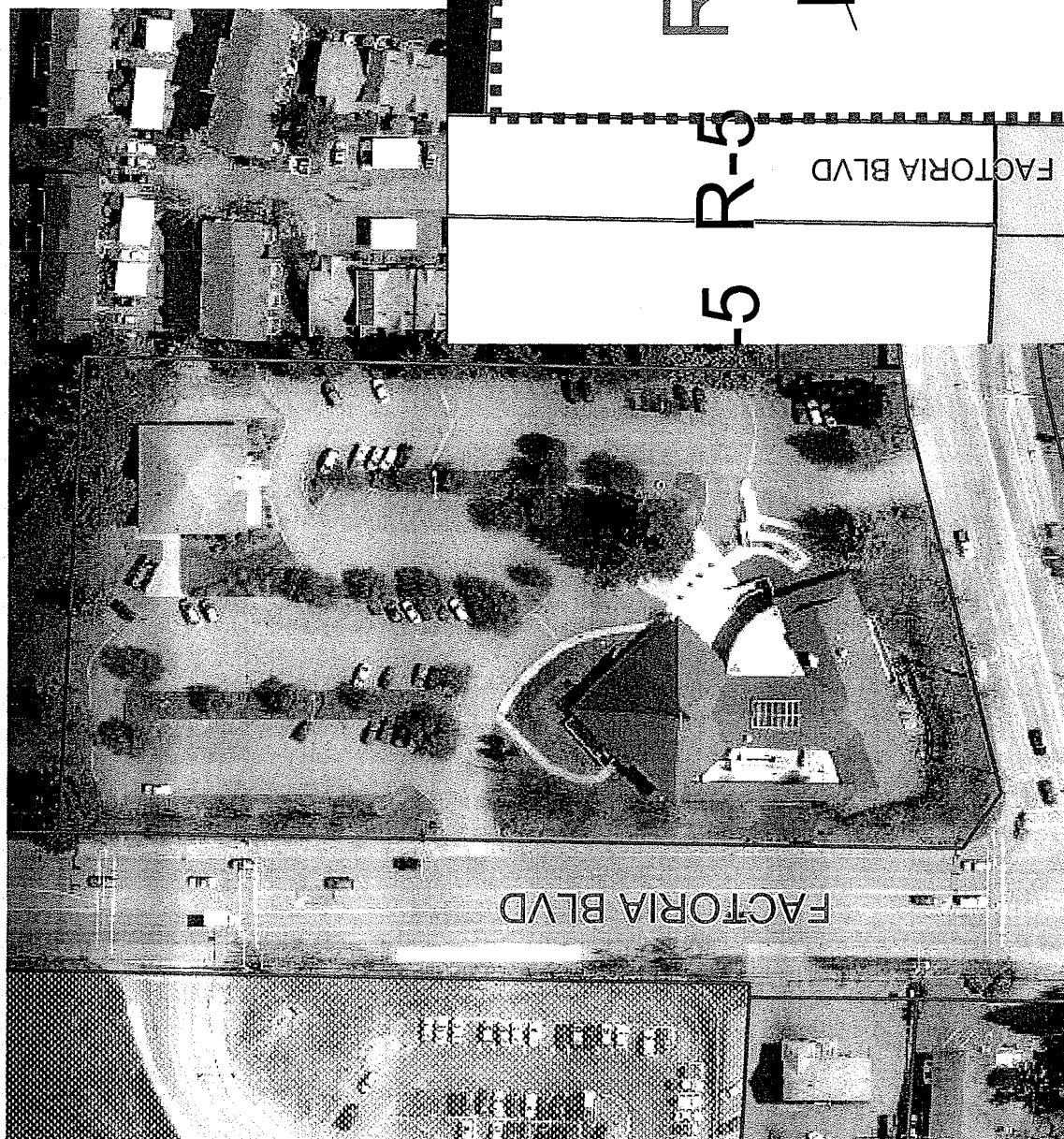
4. COMMENTS

As referenced in Section 2 above, public testimony was received in support of the Rezone.

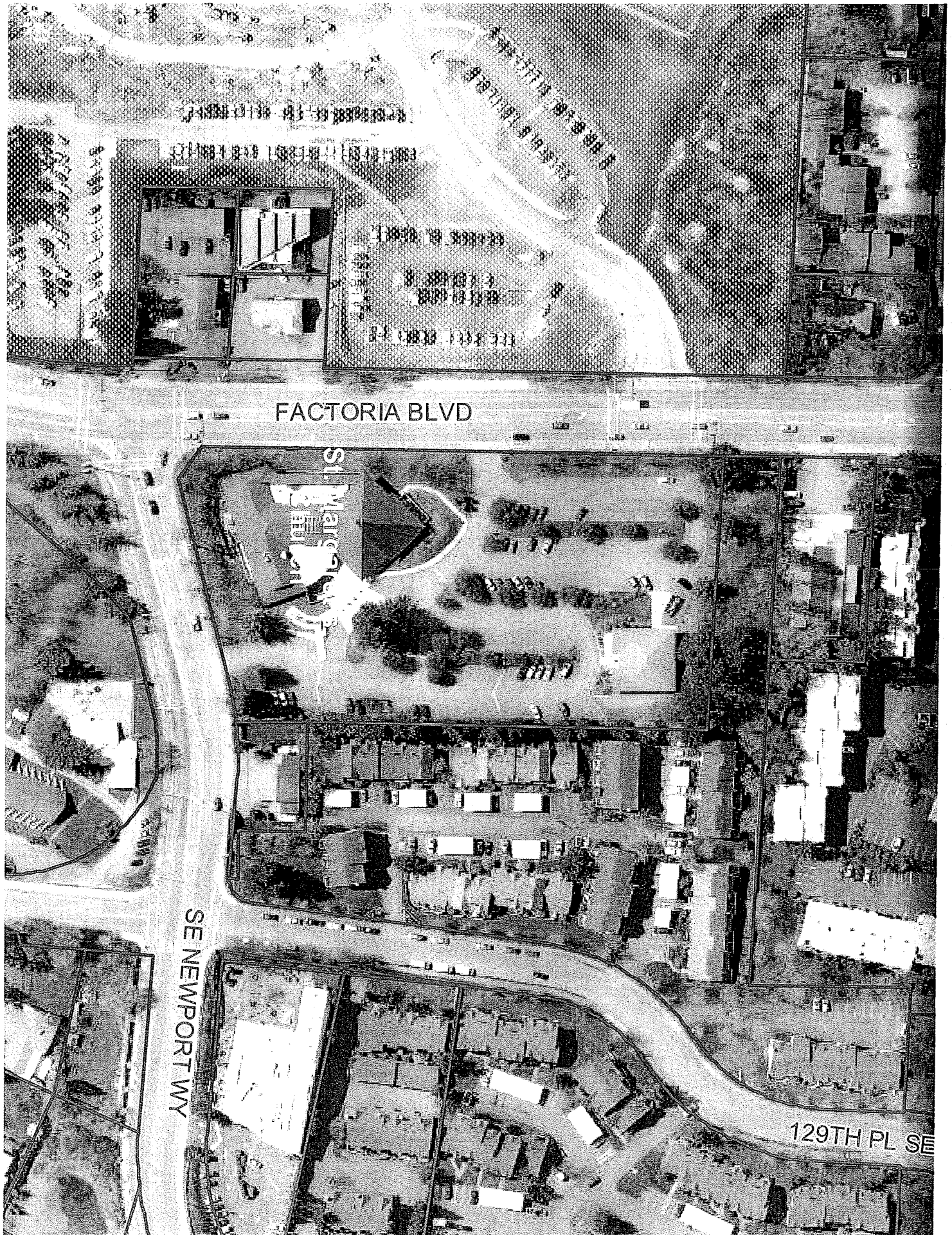
5. HEARING EAMINER RECOMMENDATION

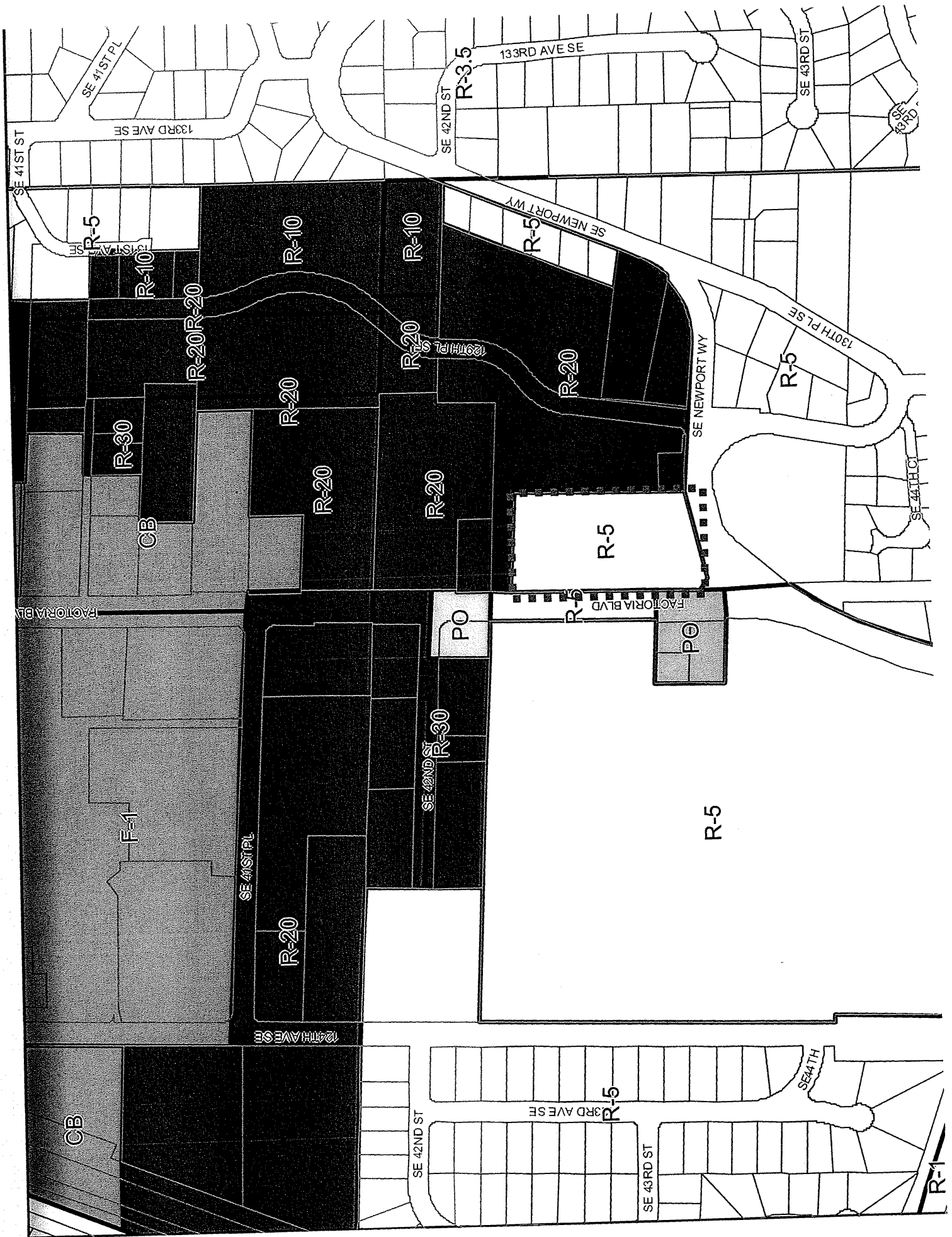
The Hearing Examiner concurs with the Development Services Department and recommends that the proposed rezone be **APPROVED** subject to two conditions (see page 3 of Hearing Examiner Recommendation).

Andrew's Glen



Rezone





CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

DRAFT

AN ORDINANCE approving the rezone application of St. Andrews Housing Group (Andrews Rezone) to rezone a 3.501 acre tract of land at 4228 Factoria Boulevard SE, from R-5 to R-30, subject to conditions.

WHEREAS, St. Andrews Housing Group filed an application to rezone a 3.501 acre site at 4228 Factoria Boulevard SE, from R-5 to R-30; and

WHEREAS, on May 7, 2009, a public hearing was held before the Hearing Examiner for the City of Bellevue pursuant to notice required by law; and

WHEREAS, on May 14, 2009 the Hearing Examiner recommended approval of the rezone application, subject to conditions, and made and entered findings of fact and conclusions based thereon in support of that recommendation, and no timely appeal thereof has been filed; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the rezone of a 3.501 acre site at 4228 Factoria Boulevard SE, from R-5 to R-30; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council with regard to the hereinafter described property located at 4228 Factoria Boulevard SE as set forth in "Findings of Fact, Conclusions of Law, and Recommendation In re the matter of the Application of St. Andrews Housing Group ANDREWS GLEN REZONE For Property Located at 4228 Factoria Boulevard Southeast, Bellevue, WA, File NO: 08-123031 LQ," subject to conditions.

Section 2. The property described below is hereby rezoned from R-5 to R-30:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M. IN KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SUBDIVISION WHICH IS 339.24 FEET SOUTH OF THE NORTHWEST CORNER THEREOF;
THENCE EASTERLY 329.24 FEET ALONG THE SOUTH LINE OF A TRACT DESCRIBED IN A CONTRACT TO GUSTAV GRONLUND AND JEAN GRONLUND, HIS WIFE, AND WILLIAM MARSHALL AND LILLIAN MARSHALL, HIS WIFE, BY INSTRUMENT RECORDED UNDER RECORDING NUMBER 4595281;
THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 563.19 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF NEWPORT WAY;
THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE TO THE WEST LINE OF SAID SUBDIVISION;
THENCE NORTHERLY ALONG SAID WEST LINE 838.37 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

EXCEPT THE WEST 30 FEET THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 71768 FOR ROAD; ALSO

EXCEPT THE NORTH 60 FEET THEREOF; ALSO

EXCEPT THAT PORTION CONVEYED TO KING COUNTY FOR 128TH AVENUE SOUTHEAST, BY INSTRUMENT RECORDED UNDER RECORDING NUMBERS 6233047 AND 8806030765; ALSO

EXCEPT THAT PORTION CONVEYED TO KING COUNTY FOR ROAD PURPOSES UNDER RECORDING NUMBER 8506170651.

Section 3. This rezone shall be subject to the following conditions related to Project Plans and Parking:

A. "Future housing development on the parcel shall be generally as illustrated herein and on the attached plans. However, the project proponent may request administrative review of a modifications(s) provided the assurance of consistency with the intent of this Rezone Decision. AUTHORITY: LUC 20.30A"

B. "A recorded copy (King County Records Office) of the Memorandum of Understanding included in the attached Parking Analysis shall be provided prior to Design Review approval. AUTHORITY: LUC 20.20.590.F"

Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

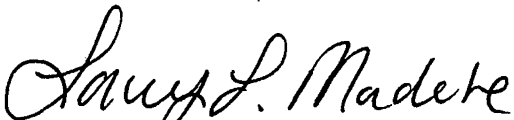
Passed by the City Council this _____ day of _____, 2009
and signed in authentication of its passage this _____ day of _____,
2009.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Lacey L. Madche, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____